

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/724,223 Confirmation No. 9750
Applicants : Jon E. Adler, et al.
Filed : December 1, 2003

Title : FUNCTIONAL ASSAYS THAT USE THE T1R1 RECEPTOR
TO SCREEN FOR T1R1-ASSOCIATED TASTE
MODULATORS

TC/Art Unit : 1649

Examiner: : ULM, John D.

Docket No. : 67824.407222
Customer No. : **21967**

**Petition to Withdraw Holding of Abandonment Based on Failure to Receive
Notice of Non-Compliant Amendment Pursuant to 37 C.F.R. §1.181**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This petition is presented for the purpose of requesting withdrawal of the holding of abandonment. Provided herewith is evidence that Applicants did not receive a copy of the Notice of Non-Compliant Amendment allegedly mailed July 27, 2007 in the above-captioned application.

Applicants received a Notice of Abandonment mailed March 17, 2008, alleging the above-captioned application was abandoned for failure to properly respond to the Notice of Non-Compliant Amendment dated July 27, 2007.

Neither Applicants nor Applicants' undersigned representatives received a copy of the Notice. *The copy of the Notice available in PAIR does not include a cover sheet, suggesting that the Notice was never even mailed.*

The address of record to which the Notice should have been mailed is: Hunton & Williams LLP, Intellectual Property Department, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109, which is the mail repository for all in-coming mail from the PTO. Applicants' representatives enter all in-coming mail from the PTO in its docketing system. Had Applicants' representatives received the Notice, the response due date would have been entered into the docketing system for August 27, 2007.

Attached hereto is Exhibit A, a declaration of Robin L. Teskin, the attorney responsible for prosecuting the above-captioned application, indicating that the Office action was not received at the correspondence address of record, and that a search of the practitioner's records, including the file jacket and the application contents, indicates that the Office action was not received.

Also attached hereto is Exhibit B, a redacted copy of the master docket for the firm, where the non-received Office action would have been entered had it been received. The redacted copy of the master docket for the firm shows all replies docketed for the period of August 24, 2007 through August 28, 2007, which includes the date one month from the alleged mail date of the Notice when the response would have been due. The docket reveals that no Response due date was docketed for the above-captioned application.

The evidence presented herein shows that neither Applicants nor Applicants' representatives received the Notice allegedly mailed July 27, 2007. Accordingly,


Applicants respectfully request withdrawal of the holding of abandonment.
Applicants further request that a new Notice be issued and mailed to the mailing address of record.

In addition, Applicants submit with this herewith a Reply to the Notice of Non-Compliant Amendment.

It is respectfully submitted that no fee is required for consideration of this Petition. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206.

HUNTON & WILLIAMS LLP

Dated: 4/9/08

By: 
Robin L. Teskin
Registration No. 35,030

Telephone Number 703-714-7645
(Direct)

HUNTON & WILLIAMS
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, NW, SUITE 1200
WASHINGTON, D.C. 20006-1109
(202) 955-1500 (TELEPHONE)
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RLT/KJK

EXHIBIT A

Declaration of Robin L. Teskin

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Declaration of Robin L. Teskin

Commissioner for Patents
P.O. Box 1450
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Sir:

I, Robin L. Teskin, registration number 35,030, do hereby state as follows:

- 1) I was previously the attorney responsible for prosecuting the above-captioned application. In addition, I communicated with the inventors' legal representative regarding correspondence from the United States Patent and Trademark Office (PTO) when received by my firm, Hunton & Williams LLP.
- 2) I am a partner in the law firm of Hunton & Williams LLP, and I am familiar with the firm's docketing and in-coming mail procedures. To the extent I may not be completely cognizant of the applicable procedures for the present case, I have

consulted with individuals at my firm responsible for these duties to become familiar with the procedures.

3) My firm, Hunton & Williams LLP, is currently prosecuting this application. The address of record is: Hunton & Williams LLP, Intellectual Property Department, 1900 K Street, N.W., Suite 1200, Washington, D.C. 20006-1109, which is the mail repository for all in-coming mail from the PTO.

4) Our docketing department enters all in-coming mail from the PTO in its docketing system. Had my firm received the Notice of Non-Compliant Amendment allegedly mailed July 27, 2007 ("Notice"), the response due date would have been entered into the docketing system for August 27, 2007. I have reviewed a copy of the master docket report for the period of August 24, 2007 thru August 28, 2007, and discovered that no response due date was docketed for the above-captioned application.

5) Finally, I personally reviewed the file jacket for evidence of a paper copy of the Notice and found none.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/9/08
Date

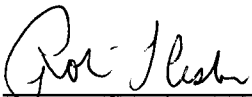

Robin L. Teskin

EXHIBIT B

Redacted Master Docket Report For The Period Of August 24, 2007

Through August 28, 2007